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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,137	07/09/2003	Patrick Young	50688/WWM/S787	2089
7590 Alexander Shvarts Fish & Neave 1251 Avenue of the Americas New York, NY 10020-1105	10/10/2007		EXAMINER CHEVALIER, ROBERT	ART UNIT 2621 MAIL DATE 10/10/2007 DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/616,137	YOUNG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bob Chevalier	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 September 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-8,10-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-8,10-16 and 18-24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 9/28/07.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 2-8, 10-16, 18-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Levine.

Young discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in claims 5-6, and 15-16, including the feature of storing program information so as to perform schedule recording on a recording/reproducing means as specified in the present claims 5-6, and 15-16. (See Young's Figure 1).

With regard to claims 23-24, it is noted that these claims recite substantially the same limitations recited in the rejected claims 5-6, and 15-16, and are therefore rejected under the same rationale.

Young fails to disclose the feature of displaying the plurality of program listings stored in a memory on the display means and selecting one of the displayed program listings for recording and wherein the selecting comprises moving a cursor on the display monitor to select one of the displayed program listings as specified in the present claims 5-6, 15-16, and 23-24.

Levine discloses a video recording/reproducing apparatus that shows the feature of displaying the plurality of program listings stored in a memory on the display means and selecting one of the displayed program listings for recording and wherein the selecting comprises moving a cursor on the display monitor to select one of the displayed program listings as specified in the present claims 5-6, 15-16, and 23-24. (See Levine's column 5, lines 35-46).

- It would have been obvious to one skilled in the art to modify the Young apparatus wherein the recording/display means provided thereof would incorporate the capability of displaying the plurality of program listings stored in the memory on the display means and selecting one of the displayed program listings for recording and wherein the selecting comprises moving a cursor on the display monitor to select one of the displayed program listings in the same conventional manner as is shown by Levine. The motivation is to make it easier for the user to program the recording means for schedule recording operation as suggested by Levine.

With regard to claims 2, 10, and 18, the feature of storing data indicative of a location on the video recording media at which the television program is recorded as specified thereof is present in the cited reference of Young. (See Young's column 4, lines 26-31).

With regard to claims 3, 7-8, 12-14, and 20-22, the feature of storing the title in a memory separate from the video recording media as specified thereof is present in Young. (See the capability of storing the schedule information in memory 9 as shown in Young's Figure 1).

With regard to claims 4, 11, and 19, the feature of storing the title, and the location of the recorded video data on the video recording media separate from the television program as specified thereof is present in Young. (See the capability of storing the index information in the beginning of the tape recording medium as shown in Young's column 4, lines 37-43).

***Response to Arguments***

4. Applicant's arguments filed 9/28/07 have been fully considered but they are not persuasive.

Regarding the Applicant's remark in that Examiner has not provided any basis in the Office Action mailed out on 3/29/07 for rejecting claims 23-24. Inadvertently, Examiner has omitted these claims 23-24 in the body of the Office Action; however, it is to be noted that claims 23-24 recite the same limitations provided in the rejected claims 5-6, and 15-16, and therefore, claims 23-24 are considered rejected under the same rationale.

Regarding the Applicant's argument in that the proposed combination of Young and Levine indicated above as being improper because Levine fails to disclose the claimed feature of allowing the user to select one of the displayed program listings in order to effect recording of the program corresponding to the selected listings, Examiner disagrees. It is noted that such a capability of selecting one of the displayed program listings in order to effect recording of the program corresponding to the selected listings as claimed is clearly present in Levine.

Applicant's attention is directed to Levine's column 6, lines 57-58, where it is disclosed the capability of selecting displayed program listings as claimed.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. Chevalier  
October 2, 2007.

  
ROBERT CHEVALIER  
PRIMARY EXAMINER